

February 15, 2006

Re: Changes in the Utilities and Transportation Commission Rulemaking Process

TO ALL INTERESTED PERSONS:

I am pleased to announce changes in the Commission's rulemaking procedures that we believe will shorten the time needed to implement new or amended rules and improve communications with affected or interested parties.

These changes are the result of a thorough review process that included input from both staff and stakeholders. We heard repeatedly that rulemakings take too long and require too much effort. We also heard that we could improve our communication with stakeholders with regard to both the rulemaking procedures and the substance of proposals and counter-proposals.

We are making five major changes intended to shorten the time it takes to complete a rulemaking, reduce the amount of staff and stakeholder time involved, and improve the dialogue between the agency and stakeholders.

First, as a general rule, we will narrow the scope of topics within a rulemaking project to what we can accomplish within one year. We may have to separate and sequence controversial issues and limit housekeeping rewrites to accomplish this. We will also make sure we have the staff time available to keep the project moving and a realistic timeline that takes in to account other Commission obligations such as rate or merger cases.

Second, the Commissioners and senior managers will be more involved in monitoring the progress of projects and in giving policy guidance to resolve issues that staff or stakeholders raise.

Third, we will provide persons interested in a rulemaking with a summary of comments we receive from stakeholders as well as the agency's response to those comments. We will also provide with each successive draft an explanation of what changes have been made since the previous version, what suggestions we incorporated into the draft, and what suggestions we decided not to use (and why).

Interested Person  
February 15, 2006  
Page 2

We are developing a standard format of those documents to make sure they are useful and readable.

Fourth, we will continue to use the stakeholder workshops and written-comment periods to make sure you have the opportunity to participate in developing the content of draft rules. We will try to avoid long periods without rule action, but if delays are necessary, we intend to provide adequate time to review proposed language before comments are due.

Finally, we are separating the rulemaking process from the open meeting process, a step that we conclude will improve both processes. In the future, we will issue the CR-101 (the notice that we are considering the need for a rule on a particular topic) and the CR-102 (the notice of a proposed rule) without a separate hearing. We will continue to conduct a public hearing on each proposed rule, as required by law, but this hearing will occur outside of open meetings. We are making this change because our experience is that consideration of rulemaking items during the open meeting is rarely a productive method of communicating with stakeholders. This revised process is more consistent with the state administrative procedures law than our current process of considering these items during open meetings.

We will continue to provide stakeholders with more notice of rulemaking activities than state law requires. We will still provide rulemaking notices to stakeholders at the time we file them with the Code Reviser, and we will still provide a weekly status report of all UTC rulemakings on our Web site.

These changes, we believe, will allow all of us to continue working more effectively and efficiently toward the common goal of ensuring that Commission rules are well reasoned and easy to understand.

For more information about our assessment or next steps, please contact either Chris Rose, Policy Director at 360-664-1206, or Bob Wallis, Director, Administrative Law Division, at 360-664-1142.

Sincerely,

DAVID W. DANNER  
Executive Director